

WALLINHESTER^{PLC}
1760 East Pecos Road, Suite 332, Gilbert, AZ 85295

Troy A. Wallin, Esq. (AZ Bar No. 022894)
Chad A. Hester, Esq. (AZ Bar No. 022894)
WALLIN HESTER, PLC
Rome Towers
1760 E. Pecos Rd., Ste. 332
Gilbert, AZ 85295
Email: courtfilings@wallinhester.com
Telephone: 480-240-4150
Facsimile: 480-240-4151
Attorneys for Defendants

H. Troy Romero, (CA Bar No. 224867), *Pro Hac Vice Pending*
ROMERO PARK, P.S.
16935 W. Bernardo Drive, Suite 260
San Diego, CA 92127
Email: tromero@romeropark.com
Telephone: 858-592-0065

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

CARL A. WESCOTT,

Plaintiff,

vs.

DAVID CROWE; MIKE LYONETTE;
THOMAS P. MADDEN; TAYLOR
COLLINS; JEFF RAU; DARRELL
BUSHNELL; AMY BUSHNELL;
PETER TIERNEY; KATHY FETTKE;
SUSIE YEE; NORMAN DAVIES;
CLAIRE DAVIES; SANDRA WINFREY;
BRIAN PUTZE; COLIN ROSS;
BRAD MALCOLM; MICHAEL JIMENEZ;
GUSTAVO VARELA;
ROBERT CROWE; BERNADETTE
BROWN; FEDERICO GURDIAN;
TERENCIO GARCIA, DOES 1 through
50,
Defendants.

Maricopa County Superior Court Case
No: CV2020

NOTICE OF REMOVAL

1
2 **TO: THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE**
3 **DISTRICT COURT OF ARIZONA, THE CLERK OF THE SUPERIOR COURT**
4 **OF ARIZONA, COUNTY OF MARICOPA AND ALL INTEREST PARTIES:**

5 Please take notice that Defendants David Crowe, Mike Lyonette, Thomas P.
6 Madden, Colin Ross, Brad Malcolm, Michael Jimenez, and Peter Tierney (“Removing
7 Defendants”) hereby remove to this Court the action originally filed in the Superior Court
8 of Arizona in Maricopa County. The grounds for removal are set forth herein.

9
10 **STATEMENT OF THE CASE**

11 1. On May 27, 2020, a civil proceeding was commenced by Plaintiff Carl A.
12 Wescott in the Superior Court of the State of Arizona, County of Maricopa, Case No.
13 CV2020-006232 (the “State Court Action”) against Defendants David Crowe, Mike
14 Lyonette, Thomas P. Madden, Taylor Collins, Darrell Bushnell, Amy Bushnell, Peter
15 Tierney, Kathy Fettke, Susie Yee, Norman Davies, Claire Davies, Sandra Winfrey, Brian
16 Putze, Colin Ross, Brad Malcolm, Michael Jimenez, Gustavo Varela, Robert Crowe,
17 Bernadette Brown, Federico Gurdian, Terencio Garcia, and DOES 1 through 50.

18
19
20 2. On June 12, 2020, Plaintiff filed an amended complaint titled Plaintiff’s
21 [Corrected] Complaint for Breach of Contract, Promissory Fraud, Negligent
22 Misrepresentation, Intentional Interference with Contract, Negligent Interference with
23 Economic Advantage, & Breach of the Covenant of Good Faith and Fair Dealing (the
24 “Amended Complaint”).

25
26 3. A copy of the state court’s docket for the State Court Action is attached
27 hereto as **Exhibit A**.
28

1 4. A true and correct copy of the Complaint, the Amended Complaint, and all
2 other pleadings and documents filed in the State Court Action are attached hereto as
3 **Exhibit B.**

4
5 5. The State Court Action is a civil action of which this Court has original
6 jurisdiction pursuant to 28 U.S.C. §1332. This action may be removed by Defendants
7 pursuant to 28 U.S.C §1441 because it is a civil action between citizens of different states
8 and countries, and the amount in controversy exceeds the sum of \$75,000, exclusive of
9 interest and costs.

10
11 6. Plaintiff Carl A. Wescott is a resident and citizen of the state of Arizona.

12 7. None of the Defendants, whom are all named in their individual capacity,
13 are residents of the state of Arizona.

14
15 8. Many of the Removing Defendants have been properly served with the
16 Amended Complaint.

17 9. This Notice of Removal (the “Notice”) has been filed within 30 days from
18 the date which Plaintiff filed the Amended Complaint in the state superior court.

19
20 10. This Notice has been filed with the Clerk of the Maricopa Superior Court for
21 the State of Arizona.

22 11. Because complete diversity exists and the amount in controversy exceeds
23 \$75,000, this Court has jurisdiction.

24
25 **CONCLUSION**

26 By this Notice of Removal, Removing Defendants do not waive any objections they
27 may have as to service, jurisdiction or venue, or any other defenses or objections they may
28

1 have to this action. Removing Defendants intend no admission of fact, law, or liability by
2 this Notice, and expressly reserve all defenses, motions, and/or pleas.

3 Defendants pray that the above action now pending against them in the State Court
4 Action be removed to this Court and that this Court assume jurisdiction over the action
5 and determine it on the merits.
6

7 This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil
8 Procedure.
9

10 RESPECTFULLY SUBMITTED this 13th day of July, 2020.

11 WALLIN HESTER, PLC
12

13 By: /s/ Chad A. Hester
14 Chad A. Hester, Esq. (No. 022894)
15 *Attorneys for Removing Defendants*

16 ELECTRONICALLY filed and copy
17 emailed this 13th day of July, 2020, to:

18 Carl A. Wescott
19 409 N. Scottsdale Rd., Ste. 223
20 Scottsdale, AZ 85257
21 *Plaintiff In Pro Per*
22 *Email: carlwescott2020@gmail.com*
23 415-335-5000

24 Wilton Viall, III, Esq.
25 12823 W. San Pablo Dr.
26 Sun City West, AZ 85375
27 *Email: billviall3@gmail.com*
28 *Attorney for Defendant Jeff Rau*

/s/ Lori Feasel
Lori Feasel